

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**STIPULATION FOR ENTRY OF ORDER RESOLVING
CLAIM NUMBER 3667 FILED BY JOHNATHAN BROWN**

The City of Detroit, Michigan (“City”) and Johnathan Brown (“Claimant”); and collectively with the City, the “Parties”) stipulate and agree as follows:

A. On or about February 19, 2014, Claimant filed proof of claim 1842 (“Claim 1842”) asserting claims based on alleged constitutional violations asserted in *Brown v. City of Detroit*, 10-cv-12162 (E.D. Mich.) (“Federal Court Action”).

B. On or about February 21, 2014, Loevy & Loevy filed proof of claim 2562 in the amount of \$227,850, asserting a claim for legal fees and costs in the Federal Court Action (“Claim 2562”). Claim 2562 has been expunged and disallowed by this Court.

C. On or about March 24, 2014, Claimant filed proof of claim 3667 (“Claim 3667”), which amended Claim 1842.

D. On November 12, 2014, this Court entered the *Order Confirming Eighth Amended Plan For the Adjustment of Debts of the City of Detroit*. [Doc. No. 8272]. Attached as Appendix I was the *Eighth Amended Plan for the Adjust of*

Debts of the City of Detroit (October 22, 2014) (“Plan”). Capitalized terms not otherwise defined in this Stipulation shall have the meanings ascribed to them in the Plan.

E. On October 12, 2018, the City and Claimant filed the *Parties Joint Motion for Decertification of Amended Class I and Class II* in the Federal Court Action (“Motion to Decertify”). As set forth more fully in the Motion to Decertify, the parties proposed to resolve the Federal Court Action by providing Plaintiffs’ counsel with a \$100,000.00 cash payment together with a Class 14 Other Unsecured Claim under the Plan in such additional amount as allowed by the court in the Federal Court Action for services in the Federal Court Action. Further, in full and final satisfaction of Claim 3667, Plaintiff Brown would receive a \$20,000 Class 15 Convenience Claim, which would result in a prompt payment of \$5,000. All other claims asserted in Claim 3667, would be expunged. Claim 1842 would also be expunged.

F. On January 7, 2019, the court in the Federal Court Action entered the *Order Granting Joint Motion Decertifying Amended Class I & II, Deadline for Fee Petitions and Denying Without Prejudice Motion for Approval of Class Action*.

G. On February 5, 2019, counsel for Plaintiff Johnathan Brown, Loevy & Loevy, and David Haron filed *Plaintiff’s Petition for Attorneys’ Fees* in the Federal

Court Action. The petition requested that the court in the Federal Court Action approve a fee award of \$1,532,515.63.

H. On February 26, 2019, the court in the Federal Court Action entered the *Order Granting Fee Petition*. The order provided that “Defendant does not oppose the request and notes that ‘As per the parties’ settlement agreement, as stated in the parties’ joint motion for decertification (DE 126) the fee award will be treated as a class 14 claim in the City of Detroit’s bankruptcy.” The court in the Federal Court Action approved the requested fee award of \$1,532,515.63.

I. This Stipulation and Order is attached as an Exhibit to the Settlement Agreement between the Parties.

NOW, THEREFORE, THE PARTIES STIPULATE AND AGREE AS FOLLOWS,

1. Claim 1842 is expunged and disallowed.
2. Claim 3667, brought by Jonathan Brown as an individual and not on behalf of the classes previously certified in the Federal Court Action, is allowed as a Class 15 Convenience Claim in the amount of \$20,000. In full and final satisfaction of Claim 3667 and upon Mr. Brown’s provision to the City of a properly completed W-9 form, the City shall issue a payment to Mr. Brown in the amount of \$5,000.00 to the following address c/o Cindy Tsai, Loevy & Loevy, 311

North Aberdeen Street, 3rd Floor, Chicago, Illinois 60607. All other Claims asserted in Claim 3667 are disallowed and expunged.

3. Loevy and Loevy is granted an allowed Class 14 Other Unsecured Claim under the Plan in the amount of \$1,269,203.13. The claims agent shall assign this claim a new claim number and the claim register shall reflect an address of 311 North Aberdeen Street, 3rd Floor, Chicago, IL 60607 for Loevy and Loevy.

4. David Haron is granted an allowed Class 14 Other Unsecured Claim under the Plan in the amount of \$263,312.50. The claims agent shall assign this claim a new claim number and the claims register shall reflect an address of 30300 Northwestern Highway, Farmington Hills, Michigan 48334 for David Haron.

5. The City's claims and noticing agent, Kurtzman Carson Consultants, is authorized to update the claims register to reflect the terms of this Stipulation.

Stipulated and agreed to on May 9, 2019:

MILLER CANFIELD PADDOCK & STONE, PLC

By: /s/ Marc N. Swanson

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By: /s/ Michael Kanovitz

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EXHIBIT 1

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**ORDER RESOLVING CLAIM NUMBER 3667
FILED BY JOHNATHAN BROWN**

This matter having come before the Court on the *Stipulation for Entry of Order Resolving Claim Number. 3667 Filed by Johnathan Brown* (the “Stipulation”)¹; and the Court being otherwise fully informed:

IT IS HEREBY ORDERED THAT:

1. Claim 1842 is expunged and disallowed.
2. Claim 3667, brought by Jonathan Brown as an individual and not on behalf of the classes previously certified in the Federal Court Action, is allowed as a Class 15 Convenience Claim in the amount of \$20,000. In full and final satisfaction of Claim 3667 and upon Mr. Brown’s provision to the City of a properly completed W-9 form, the City shall issue a payment to Mr. Brown in the amount of \$5,000.00 to the following address c/o Cindy Tsai, Loevy & Loevy, 311

¹ Capitalized terms used but not otherwise defined in this Order shall have the meanings given to them in the Stipulation.

North Aberdeen Street, 3rd Floor, Chicago, Illinois 60607. All other Claims asserted in Claim 3667 are disallowed and expunged.

3. Loevy and Loevy is granted an allowed Class 14 Other Unsecured Claim under the Plan in the amount of \$1,269,203.13. The claims agent shall assign this claim a new claim number and the claim register shall reflect an address of 311 North Aberdeen Street, 3rd Floor, Chicago, IL 60607 for Loevy and Loevy.

4. David Haron is granted an allowed Class 14 Other Unsecured Claim under the Plan in the amount of \$263,312.50. The claims agent shall assign this claim a new claim number and the claims register shall reflect an address of 30300 Northwestern Highway, Farmington Hills, Michigan 48334 for David Haron.

5. The City's claims and noticing agent, Kurtzman Carson Consultants, is authorized to update the claims register to reflect the terms of this Stipulation.